

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONALD W. BOONE,

Petitioner,

No. C 06-0116 PJH (PR)

vs.

**ORDER TO SUPPLEMENT  
HABEAS RECORD**

ARNOLD SCHWARZENEGGER,  
Governor of California; and A. P. KANE,  
Warden,

Respondents.

Petitioner has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner pled guilty to second-degree murder in 1986, and received a sentence of fifteen years to life in prison, plus a two-year enhancement. In 2001, the Board of Prison Terms ("Board") deemed petitioner suitable for parole, but that decision was reversed by the governor in March 2002. Petitioner challenges the governor's decision on the following grounds: (1) the governor's reversal of the Board's grant of parole was arbitrary and not supported by the evidence, in part because it was based on the nature of the offense, so was a violation of his due process rights; and (2) petitioner's due process rights and his Eighth Amendment right to be free of cruel and unusual punishment were violated by the governor's decision to reverse the grant of parole based on petitioner's purported need for therapy, when such therapy is not available to him.

In reversing the Board's decision, the governor relied in part on the parole suitability hearings dated 1996, 1997 and 2000. The transcripts of those hearings were not included in the record provided to this court. In order to properly analyze petitioner's claims, this court must review the same record that the governor reviewed. Therefore, the Attorney

General is **ORDERED** to provide a copy of each hearing transcript, as well as any other materials supplied to the governor, within twenty-one (21) days of the date of this order.

**IT IS SO ORDERED.**

Dated: July 15, 2008.



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PHYLLIS J. HAMILTON  
United States District Judge